

Senate Engrossed House Bill

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 37

## **HOUSE BILL 2123**

AN ACT

AMENDING SECTIONS 28-2351 AND 28-2403, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-2404 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-2404; AMENDING SECTIONS 28-2418, 28-2419, 28-2420, 28-2425, 28-2515, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; RELATING TO THE LICENSE PLATE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for  
6 each vehicle registered. At the request of the owner and on payment of any  
7 required fee, the department shall provide either one or two license plates  
8 for a vehicle for which a special plate is requested pursuant to this  
9 chapter, except that the department shall provide one license plate if the  
10 special plate is issued pursuant to section ~~28-2404~~, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle  
12 and to the owner of the vehicle and the name of this state, which may be  
13 abbreviated. The director shall coat the license plate with a reflective  
14 material that is consistent with the determination of the ~~license plate~~  
15 ~~commission established by section 28-2405~~ DEPARTMENT regarding the color and  
16 design of license plates and special plates ~~as prescribed by section 28-2405~~.  
17 The director shall design the license plate and the letters and numerals on  
18 the license plate to be of sufficient size to be plainly readable during  
19 daylight from a distance of one hundred feet. In addition to the standard  
20 license plate issued for a trailer before August 12, 2005, the director shall  
21 issue a license plate for trailers that has a design that is similar to the  
22 standard size license plate for trailers but that is the same size as the  
23 license plate for motorcycles. The trailer owner shall notify the department  
24 which size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract  
26 with a nongovernmental entity to purchase or secure reflective material for  
27 the plates issued by the department unless the department has made a  
28 reasonable effort to secure qualified bids or proposals from as many  
29 individual responsible respondents as possible.

30 D. The ~~license plate commission established by section 28-2405~~  
31 DEPARTMENT shall determine the color and design of the license plate. All  
32 other plates issued by the department, except the plates issued pursuant to  
33 sections 28-2412, 28-2413, 28-2414, 28-2416 through 28-2432, 28-2452,  
34 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the  
35 same color as and similar in design to the license plate as determined by the  
36 ~~commission~~ DEPARTMENT.

37 E. A passenger motor vehicle rented without a driver shall receive the  
38 same type of license plate as issued for a private passenger motor vehicle.

39 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall  
42 issue or renew special plates in lieu of the regular license plates pursuant  
43 to the following conditions and procedures and only if the requirements  
44 prescribed by this article for the requested special plates are met:

1           1. Except as provided in section 28-2416, a person who is the  
2 registered owner of a vehicle registered with the department or who applies  
3 for an original or renewal registration of a vehicle may submit to the  
4 department a completed application form as prescribed by the department with  
5 the fee prescribed by section 28-2402 for special plates in addition to the  
6 registration fee prescribed by section 28-2003.

7           2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
8 28-2414, 28-2416 through 28-2432, 28-2452, 28-2453, 28-2454 and 28-2455 and  
9 article 14 of this chapter, the special plates shall be the same color as and  
10 similar to the design of the regular license plates that is determined by the  
11 ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT.

12           3. Except as provided in section 28-2416, the department shall issue  
13 special plates only to the owner or lessee of a vehicle that is currently  
14 registered, including any vehicle that has a declared gross weight, as  
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16           4. Except as provided in section 28-2416, the department shall charge  
17 the fee prescribed by section 28-2402 for each annual renewal of special  
18 plates in addition to the registration fee prescribed by section 28-2003.

19           B. Except as provided in section 28-2416, on notification to the  
20 department and on payment of the transfer fee prescribed by section 28-2402,  
21 a person who is issued special plates may transfer the special plates to  
22 another vehicle the person owns or leases. Persons who are issued special  
23 plates for hearing impaired persons pursuant to section 28-2408 and  
24 international symbol of access special plates pursuant to section 28-2409 are  
25 exempt from the transfer fee. If a person who is issued special plates  
26 sells, trades or otherwise releases ownership of the vehicle on which the  
27 plates have been displayed, the person shall immediately report the transfer  
28 of the plates to the department or the person shall surrender the plates to  
29 the department as prescribed by the director. It is unlawful for a person to  
30 whom the plates have been issued to knowingly permit them to be displayed on  
31 a vehicle except the vehicle authorized by the department.

32           C. The special plates shall be affixed to the vehicle for which  
33 registration is sought in lieu of the regular license plates.

34           D. A person is guilty of a class 3 misdemeanor who:

35           1. Violates subsection B of this section.

36           2. Fraudulently gives false or fictitious information in the  
37 application for or renewal of special plates or placards issued pursuant to  
38 this article.

39           3. Conceals a material fact or otherwise commits fraud in the  
40 application for or renewal of special plates or placards issued pursuant to  
41 this article.

1       Sec. 3. Repeal

2       Sections 28-2404 and 28-2405, Arizona Revised Statutes, are repealed.

3       Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
4 amended by adding a new section 28-2404, to read:

5       28-2404. Special organization license plates

6       A. SPECIAL ORGANIZATION LICENSE PLATES AUTHORIZED BEFORE THE EFFECTIVE  
7 DATE OF THIS SECTION REMAIN VALID LICENSE PLATES ISSUED BY THIS STATE UNLESS  
8 THE LEGISLATURE ENACTS LEGISLATION SPECIFICALLY TERMINATING THOSE LICENSE  
9 PLATES.

10       B. THE DEPARTMENT SHALL ISSUE SPECIAL ORGANIZATION LICENSE PLATES  
11 AUTHORIZED BEFORE THE EFFECTIVE DATE OF THIS SECTION TO INITIAL APPLICANTS OR  
12 APPLICANTS REQUESTING A DUPLICATE, REPLACEMENT OR NEW LICENSE PLATE.

13       C. THE DIRECTOR SHALL ALLOW A REQUEST FOR A SPECIAL ORGANIZATION  
14 LICENSE PLATE AUTHORIZED BEFORE THE EFFECTIVE DATE OF THIS SECTION TO BE  
15 COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES IF THE ORGANIZATION  
16 MAKES THE REQUEST AND PAYS THE DEPARTMENT THE MONIES NECESSARY AS DETERMINED  
17 BY THE DEPARTMENT TO COVER THE DEPARTMENT'S COSTS TO IMPLEMENT THE  
18 COMBINATION. THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND  
19 IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE  
20 FEES REQUIRED FOR THE ORGANIZATION SPECIAL LICENSE PLATE. AFTER RECEIVING A  
21 REQUEST FROM AN ORGANIZATION TO ALLOW FOR A COMBINATION OF THE SPECIAL  
22 ORGANIZATION LICENSE PLATE WITH PERSONALIZED SPECIAL PLATES, THE DEPARTMENT  
23 SHALL PROVIDE TO THE JOINT LEGISLATIVE BUDGET COMMITTEE A DETAILED WRITTEN  
24 STATEMENT OF THE IMPLEMENTATION COSTS OF THE COMBINATION.

25       D. AN ORGANIZATION THAT RECEIVES AUTHORIZATION FOR A SPECIAL  
26 ORGANIZATION LICENSE PLATE BEFORE THE EFFECTIVE DATE OF THIS SECTION MAY  
27 REDESIGN THE SPECIAL ORGANIZATION LICENSE PLATE IF THE NEW DESIGN IS APPROVED  
28 BY THE DEPARTMENT AND THE ORGANIZATION PAYS THIRTY-TWO THOUSAND DOLLARS TO  
29 THE DEPARTMENT TO ISSUE THE REDESIGNED SPECIAL ORGANIZATION LICENSE PLATE.

30       E. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
31 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A  
32 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

33       F. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
34 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
35 ESTABLISHED BY SECTION 28-6991 AND SHALL DISTRIBUTE ALL DONATIONS COLLECTED  
36 PURSUANT TO THIS SECTION AS AUTHORIZED IN A WRITTEN RESOLUTION OF THE ENTITY  
37 THAT PROVIDES THE THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT PURSUANT TO  
38 SUBSECTION D OF THIS SECTION. THE ENTITY MUST USE THE DONATIONS FOR THE SAME  
39 PURPOSE AS ORIGINALLY APPROVED.

40       G. THE DEPARTMENT SHALL ISSUE SPECIAL ORGANIZATION LICENSE PLATES  
41 AUTHORIZED BEFORE THE EFFECTIVE DATE OF THIS SECTION TO APPLICANTS WHO ARE  
42 OTHERWISE QUALIFIED BY LAW FOR THE LICENSE PLATES AND WHO ARE NOT MEMBERS OF  
43 THE ORGANIZATION IF THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM THE  
44 ORGANIZATION REQUESTING ISSUANCE TO NONMEMBERS.

1       Sec. 5. Section 28-2418, Arizona Revised Statutes, is amended to read:  
2       28-2418. Navajo nation special plates

3       A. The department shall issue Navajo nation special plates. The color  
4       and design of the Navajo nation special plates shall be different from the  
5       color and design of regular license plates determined by the ~~license plate~~  
6       ~~commission pursuant to section 28-2351~~ DEPARTMENT and shall be representative  
7       of the Navajo nation.

8       B. Of the twenty-five dollar fee required by section 28-2402 for the  
9       original special plates and for renewal of special plates, eight dollars is a  
10      special plate administration fee and seventeen dollars is an annual donation.

11      C. The department shall deposit, pursuant to sections 35-146 and  
12      35-147, all special plate administration fees in the state highway fund  
13      established by section 28-6991 and shall transmit all donations collected  
14      pursuant to this section to the Navajo nation department of highway safety.  
15      The Navajo nation department of highway safety shall use these monies only  
16      for traffic control devices that conform to the manual and specifications  
17      prescribed in section 28-641 on highways on the Navajo reservation that are  
18      located in this state and that are not state highways.

19      Sec. 6. Section 28-2419, Arizona Revised Statutes, is amended to read:  
20      28-2419. Transplantation awareness special plates; fund

21      A. The department shall issue transplantation awareness special  
22      plates. The color and design of the transplantation awareness special plates  
23      shall be different from the color and design of regular license plates  
24      determined by the ~~license plate commission pursuant to section 28-2351~~  
25      DEPARTMENT.

26      B. Of the twenty-five dollar fee required by section 28-2402 for  
27      original special plates and for renewal of special plates, eight dollars is a  
28      special plate administration fee and seventeen dollars is an annual donation.

29      C. The department shall deposit, pursuant to sections 35-146 and  
30      35-147, all special plate administration fees in the state highway fund  
31      established by section 28-6991 and all donations collected pursuant to this  
32      section in the transplantation awareness fund established by this section.

33      D. The transplantation awareness fund is established consisting of  
34      monies received pursuant to this section. The director shall administer the  
35      fund.

36      E. The director shall select a private coalition that is qualified  
37      under section 501(c)(3) of the United States internal revenue code for  
38      federal income tax purposes and that has a mission of promoting  
39      transplantation awareness and allocate the monies in the fund to the  
40      coalition on an annual basis.

41      F. On notice from the director, the state treasurer shall invest and  
42      divest monies in the fund as provided by section 35-313, and monies earned  
43      from investment shall be credited to the fund.

44      G. Monies in the fund are exempt from the provisions of section 35-190  
45      relating to lapsing of appropriations.

1           Sec. 7. Section 28-2420, Arizona Revised Statutes, is amended to read:

2           28-2420. San Carlos Apache tribe special plates

3           A. The department shall issue San Carlos Apache tribe special plates.  
4           The color and design of the San Carlos Apache tribe special plates shall be  
5           different from the color and design of regular license plates determined by  
6           the ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT and shall  
7           be representative of the San Carlos Apache tribe.

8           B. Of the twenty-five dollar fee required by section 28-2402 for the  
9           original special plates and for renewal of special plates, eight dollars is a  
10          special plate administration fee and seventeen dollars is an annual donation.

11          C. The department shall deposit, pursuant to sections 35-146 and  
12          35-147, all special plate administration fees in the state highway fund  
13          established by section 28-6991 and shall transmit all donations collected  
14          pursuant to this section to the San Carlos Apache tribe transportation board.  
15          The San Carlos Apache tribe transportation board shall use these monies only  
16          for traffic control devices that conform to the manual and specifications  
17          prescribed in section 28-641 on highways on the San Carlos Apache tribe  
18          reservation that are located in this state and that are not state highways.

19          Sec. 8. Section 28-2425, Arizona Revised Statutes, is amended to read:

20          28-2425. White Mountain Apache tribe special plates

21          A. The department shall issue White Mountain Apache tribe special  
22          plates. The color and design of the White Mountain Apache tribe special  
23          plates shall be different from the color and design of regular license plates  
24          determined by the ~~license plate commission pursuant to section 28-2351~~  
25          DEPARTMENT and shall be representative of the White Mountain Apache tribe.  
26          The director may allow a request for White Mountain Apache tribe special  
27          plates to be combined with a request for personalized special plates. If the  
28          director allows such a combination, the request shall be in a form prescribed  
29          by the director and is subject to the fees for the personalized special  
30          plates in addition to the fees required for White Mountain Apache tribe  
31          special plates.

32          B. Of the twenty-five dollar fee required by section 28-2402 for the  
33          original special plates and for renewal of special plates, eight dollars is a  
34          special plate administration fee and seventeen dollars is an annual donation.

35          C. The department shall deposit, pursuant to sections 35-146 and  
36          35-147, all special plate administration fees in the state highway fund  
37          established by section 28-6991 and shall transmit all donations collected  
38          pursuant to this section to the White Mountain Apache tribe transportation  
39          committee. The White Mountain Apache tribe transportation committee shall  
40          use these monies only for traffic control devices that conform to the manual  
41          and specifications prescribed in section 28-641 on highways on the Fort  
42          Apache Indian reservation that are located in this state and that are not  
43          state highways.

1       Sec. 9. Section 28-2515, Arizona Revised Statutes, is amended to read:  
2       28-2515. Taxis; license plates

3       A. Subject to legislative appropriation, ~~beginning on July 1, 2004,~~  
4 the department shall issue taxi special plates to the owner of every vehicle  
5 operating as a taxi.

6       B. Every vehicle operating as a taxi shall display a taxi special  
7 plate issued by the department pursuant to this section.

8       C. The color and design of the taxi special plates shall be determined  
9 by the ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT and  
10 shall indicate that the vehicle is a taxi.

11       Sec. 10. Section 28-6501, Arizona Revised Statutes, is amended to  
12 read:

13       28-6501. Definition of highway user revenues

14       In this article, unless the context otherwise requires or except as  
15 otherwise provided by statute, "highway user revenues" means all monies  
16 received in this state from licenses, taxes, penalties, interest and fees  
17 authorized by the following:

18       1. Chapters 2, 7, 8 and 15 of this title, except for:

19       (a) The special plate administration fees prescribed in sections  
20 ~~28-2404,~~ 28-2412 through 28-2432 and 28-2514.

21       (b) The donations prescribed in sections ~~28-2404,~~ 28-2412 through  
22 28-2415, 28-2417 through 28-2432, 28-2453, 28-2454 and 28-2455.

23       2. Section 28-1177.

24       3. Chapters 10 and 11 of this title.

25       4. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
26 in sections 28-5926 and 28-5927.

27       Sec. 11. Section 28-6991, Arizona Revised Statutes, is amended to  
28 read:

29       28-6991. State highway fund; sources

30       A state highway fund is established that consists of:

31       1. Monies distributed from the Arizona highway user revenue fund  
32 pursuant to chapter 18 of this title.

33       2. Monies appropriated by the legislature.

34       3. Monies received from donations for the construction, improvement or  
35 maintenance of state highways or bridges. These monies shall be credited to  
36 a special account and shall be spent only for the purpose indicated by the  
37 donor.

38       4. Monies received from counties under cooperative agreements,  
39 including proceeds from bond issues. The state treasurer shall deposit these  
40 monies to the credit of the fund in a special account on delivery to the  
41 treasurer of a concise written agreement between the department and the  
42 county stating the purposes for which the monies are surrendered by the  
43 county, and these monies shall be spent only as stated in the agreement.

44       5. Monies received from the United States under an act of Congress to  
45 provide aid for the construction of rural post roads, but monies received on

1 projects for which the monies necessary to be provided by this state are  
2 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
3 shall be allotted by the department and deposited by the state treasurer in  
4 the special account within the fund established for each project. On  
5 completion of the project, on the satisfaction and discharge in full of all  
6 obligations of any kind created and on request of the department, the  
7 treasurer shall transfer the unexpended balance in the special account for  
8 the project into the state highway fund, and the unexpended balance and any  
9 further federal aid thereafter received on account of the project may be  
10 spent under the general provisions of this title.

11 6. Monies in the custody of an officer or agent of this state from any  
12 source that is to be used for the construction, improvement or maintenance of  
13 state highways or bridges.

14 7. Monies deposited in the state general fund and arising from the  
15 disposal of state personal property belonging to the department.

16 8. Receipts from the sale or disposal of any or all other property  
17 held by the department and purchased with state highway monies.

18 9. Monies generated pursuant to section 28-410.

19 10. Monies distributed pursuant to section 28-5808, subsection B,  
20 paragraph 2, subdivision (d).

21 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

22 12. Except as provided in section 28-5101, the following monies:

23 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
24 subsection B, paragraph 2, subdivision (e).

25 (b) One dollar of each registration fee and one dollar of each title  
26 fee collected pursuant to section 28-2003.

27 (c) Two dollars of each late registration penalty collected by the  
28 director pursuant to section 28-2162.

29 (d) The air quality compliance fee collected pursuant to section  
30 49-542.

31 (e) The special plate administration fees collected pursuant to  
32 sections ~~28-2404~~, 28-2412 through 28-2432 and 28-2514.

33 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
34 if the director is the registering officer.

35 13. Monies deposited pursuant to chapter 5, article 5 of this title.

36 14. Donations received pursuant to section 28-2269.

37 15. Dealer and registration monies collected pursuant to section  
38 28-4304.

39 16. Abandoned vehicle administration monies deposited pursuant to  
40 section 28-4804.

41 17. Monies deposited pursuant to section 28-710, subsection D,  
42 paragraph 2.

43 18. Monies deposited pursuant to section 28-2065.

44 19. Donations deposited pursuant to section 28-2430.

45 20. Monies deposited pursuant to section 28-7311.



1       Sec. 12. Section 28-6993, Arizona Revised Statutes, is amended to  
2 read:

3       28-6993. State highway fund; authorized uses

4       A. Except as provided in subsection B of this section and section  
5 28-6538, the state highway fund shall be used for any of the following  
6 purposes in strict conformity with and subject to the budget as provided by  
7 this section and by sections 28-6997 through 28-7003:

8       1. To pay salaries, wages, necessary travel expenses and other  
9 expenses of officers and employees of the department and the incidental  
10 office expenses, including telegraph, telephone, postal and express charges  
11 and printing, stationery and advertising expenses.

12       2. To pay for both:

13       (a) Equipment, supplies, machines, tools, department offices and  
14 laboratories established by the department.

15       (b) The construction and repair of buildings or yards of the  
16 department.

17       3. To pay the cost of both:

18       (a) Engineering, construction, improvement and maintenance of state  
19 highways and parts of highways forming state routes.

20       (b) Highways under cooperative agreements with the United States that  
21 are entered into pursuant to this chapter and an act of Congress providing  
22 for the construction of rural post roads.

23       4. To pay land damages incurred by reason of establishing, opening,  
24 altering, relocating, widening or abandoning portions of a state route or  
25 state highway.

26       5. To reimburse the department revolving account.

27       6. To pay premiums on authorized indemnity bonds and on compensation  
28 insurance under the workers' compensation act.

29       7. To defray lawful expenses and costs required to administer and  
30 carry out the intent, purposes and provisions of this title, including  
31 repayment of obligations entered into pursuant to this title, payment of  
32 interest on obligations entered into pursuant to this title, repayment of  
33 loans and other financial assistance, including repayment of advances and  
34 interest on advances made to the department pursuant to section 28-7677, and  
35 payment of all other obligations and expenses of the board and department  
36 pursuant to chapter 21 of this title.

37       8. To pay lawful bills and charges incurred by the state engineer.

38       9. To acquire, construct or improve entry roads to state parks or  
39 roads within state parks.

40       10. To acquire, construct or improve entry roads to state prisons.

41       11. To pay the cost of relocating a utility facility pursuant to  
42 section 28-7156.

43       12. For the purposes provided in subsections C, D and E of this section  
44 and sections 28-1143, 28-2353 and 28-3003.

1       B. For each fiscal year, the department of transportation shall  
2 allocate and transfer monies in the state highway fund to the department of  
3 public safety for funding a portion of highway patrol costs in eight  
4 installments in each of the first eight months of a fiscal year that do not  
5 exceed ten million dollars.

6       C. Subject to legislative appropriation, the department may use the  
7 monies in the state highway fund as prescribed in section 28-6991, paragraph  
8 12 to carry out the duties imposed by this title for registration or titling  
9 of vehicles, to operate joint title, registration and driver licensing  
10 offices, to cover the administrative costs of issuing the air quality  
11 compliance sticker, modifying the year validating tab and issuing the  
12 windshield sticker and to cover expenses and costs in issuing special plates  
13 pursuant to sections ~~28-2404~~, 28-2412 through 28-2432 and 28-2514.

14       D. The department shall use monies deposited in the state highway fund  
15 pursuant to chapter 5, article 5 of this title only as prescribed by that  
16 article.

17       E. Monies deposited in the state highway fund pursuant to section  
18 28-2269 shall be used only as prescribed by that section.

19       F. Monies deposited in the state highway fund pursuant to section  
20 28-710, subsection D, paragraph 2 shall only be used for state highway work  
21 zone traffic control devices.

22       G. The department may exchange monies distributed to the state highway  
23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
24 government surface transportation program federal monies suballocated to  
25 councils of government and metropolitan planning organizations if the local  
26 government scheduled to receive the federal monies concurs. An exchange of  
27 state highway fund monies pursuant to this subsection shall be in an amount  
28 that is at least equal to ninety per cent of the federal obligation authority  
29 that exists in the project for which the exchange is proposed.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.